

1 AN ACT concerning employment.

2 WHEREAS, The State of Illinois is dedicated to the urgent
3 task of strengthening and expediting the national defense under
4 the emergent conditions which are threatening the peace and
5 security of this nation; and

6 WHEREAS, It is the considered judgment of the General
7 Assembly that the citizens of Illinois who respond to their
8 country's call to service are deserving of every benefit and
9 protection; and

10 WHEREAS, It is imperative that State government recognize
11 the State's citizens who have made the ultimate sacrifice to
12 protect the peace and security of this nation; and

13 WHEREAS, The Illinois Court of Claims should be equipped to
14 provide for and assist the survivors of fallen service members
15 by increasing accessibility to the Court of Claims and
16 providing outreach services to the community, which will serve
17 to educate survivors as to their benefits and protections under
18 State law; and

19 WHEREAS, By recognizing these sacrifices, the State of
20 Illinois encourages its citizens to participate to the fullest
21 extent in the national defense program and thereby heightens
22 the contribution of our State to the protection of our heritage

1 of liberty and democracy; therefore

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Court of Claims Act is amended by changing
5 Section 24 and by adding Section 9.5 as follows:

6 (705 ILCS 505/9.5 new)

7 Sec. 9.5. Gold Star and Fallen Heroes Families Assistance
8 Program.

9 (a) Within the Court of Claims, there is established a Gold
10 Star and Fallen Heroes Families Assistance Program, which is
11 charged with the responsibility of assessing the needs of and
12 providing information to Illinois Gold Star and Fallen Heroes
13 Families with regard to claims filed pursuant to the Line of
14 Duty Compensation Act.

15 (b) As used in this Section, "Gold Star and Fallen Heroes
16 Family" means the family members of an individual who was
17 killed in the line of duty and who was employed or serving in a
18 capacity defined in Section 2 of the Line of Duty Compensation
19 Act.

20 (c) Toll-free helpline. The Gold Star and Fallen Heroes
21 Families Assistance Program shall include a toll-free helpline
22 dedicated to families seeking information about the Line of
23 Duty Compensation Act, including, but not limited to, the

1 status of claims filed pursuant to that Act. The helpline phone
2 number and information about the Gold Star and Fallen Heroes
3 Families Assistance Program shall be provided to each person
4 filing a claim under the Line of Duty Compensation Act.

5 (d) On or before January 1 of each year, the Court of
6 Claims shall report to the Governor, both houses of the General
7 Assembly, and the Illinois Department of Veterans' Affairs the
8 following information:

9 (1) the number of claims filed with the Court of Claims
10 pursuant to the Line of Duty Compensation Act;

11 (2) the number of Line of Duty Compensation Act claims
12 approved for payment by the Court of Claims during the
13 preceding calendar year;

14 (3) the number and status of Line of Duty Compensation
15 Act claims pending in the Court of Claims; and

16 (4) other information as may be requested by the
17 Governor.

18 (705 ILCS 505/24) (from Ch. 37, par. 439.24)

19 Sec. 24. Payment of awards.

20 (1) From funds appropriated by the General Assembly for the
21 purposes of this Section the Court may direct immediate payment
22 of:

23 (a) All claims arising solely as a result of the
24 lapsing of an appropriation out of which the obligation
25 could have been paid.

1 (b) All claims pursuant to the Line of Duty
2 Compensation Act.

3 (c) All claims pursuant to the "Illinois National
4 Guardsmen's and Naval Militiaman's Compensation Act",
5 approved August 12, 1971, as amended.

6 (d) All claims pursuant to the "Crime Victims
7 Compensation Act", approved August 23, 1973, as amended.

8 (e) All other claims wherein the amount of the award of
9 the Court is less than \$5,000.

10 (2) The court may, from funds specifically appropriated
11 from the General Revenue Fund for this purpose, direct the
12 payment of awards less than \$50,000 solely as a result of the
13 lapsing of an appropriation originally made from any fund held
14 by the State Treasurer. For any such award paid from the
15 General Revenue Fund, the court shall thereafter seek an
16 appropriation from the fund from which the liability originally
17 accrued in reimbursement of the General Revenue Fund.

18 (3) In directing payment of a claim pursuant to the Line of
19 Duty Compensation Act, the Court must direct the Comptroller to
20 add an interest penalty if payment of a claim is not made
21 within 6 months after a claim is filed in accordance with
22 Section 3 of the Line of Duty Compensation Act and all
23 information has been submitted as required under Section 4 of
24 the Line of Duty Compensation Act. If payment is not issued
25 within the 6-month period, an interest penalty of 1% of the
26 amount of the award shall be added for each month or fraction

1 thereof after the end of the 6-month period, until final
2 payment is made. This interest penalty shall be added
3 regardless of whether the payment is not issued within the
4 6-month period because of the appropriation process, the
5 consideration of the matter by the Court, or any other reason.

6 (3.5) The interest penalty payment provided for in
7 subsection (3) shall be added to all claims for which benefits
8 were not paid as of the effective date of P.A. 95-928. The
9 interest penalty shall be calculated starting from the
10 effective date of P.A. 95-928, provided that the effective date
11 of P.A. 95-928 is at least 6 months after the date on which the
12 claim was filed in accordance with Section 3 of the Line of
13 Duty Compensation Act. In the event that the date 6 months
14 after the date on which the claim was filed is later than the
15 effective date of P.A. 95-928, the Court shall calculate the
16 interest payment penalty starting from the date 6 months after
17 the date on which the claim was filed in accordance with
18 Section 3 of the Line of Duty Compensation Act. This subsection
19 (3.5) of this amendatory Act of the 96th General Assembly is
20 declarative of existing law.

21 (3.6) In addition to the interest payments provided for in
22 subsections (3) and (3.5), the Court shall direct the
23 Comptroller to add a "catch-up" payment to the claims of
24 eligible claimants. For the purposes of this subsection (3.6),
25 an "eligible claimant" is a claimant whose claim is not paid in
26 the year in which it was filed. For purposes of this subsection

1 (3.6), "'catch-up' payment" is defined as the difference
2 between the amount paid to claimants whose claims were filed in
3 the year in which the eligible claimant's claim is paid and the
4 amount paid to claimants whose claims were filed in the year in
5 which the eligible claimant filed his or her claim. The
6 "catch-up" payment is payable simultaneously with the claim
7 award.

8 (4) ~~(3)~~ From funds appropriated by the General Assembly for
9 the purposes of paying claims under paragraph (c) of Section 8,
10 the court must direct payment of each claim and the payment
11 must be received by the claimant within 60 days after the date
12 that the funds are appropriated for that purpose.

13 (Source: P.A. 95-928, eff. 8-26-08; 95-970, eff. 9-22-08;
14 revised 10-14-08.)

15 Section 10. The Line of Duty Compensation Act is amended by
16 changing Sections 3 and 4 as follows:

17 (820 ILCS 315/3) (from Ch. 48, par. 283)

18 Sec. 3. Duty death benefit.

19 (a) If a claim therefor is made within one year of the date
20 of death of a law enforcement officer, civil defense worker,
21 civil air patrol member, paramedic, fireman, chaplain, or State
22 employee killed in the line of duty, or if a claim therefor is
23 made within 2 years of the date of death of an Armed Forces
24 member killed in the line of duty, compensation shall be paid

1 to the person designated by the law enforcement officer, civil
2 defense worker, civil air patrol member, paramedic, fireman,
3 chaplain, State employee, or Armed Forces member. However, if
4 the Armed Forces member was killed in the line of duty before
5 October 18, 2004, the claim must be made within one year of
6 October 18, 2004.

7 (b) The amount of compensation, except for an Armed Forces
8 member, shall be \$10,000 if the death in the line of duty
9 occurred prior to January 1, 1974; \$20,000 if such death
10 occurred after December 31, 1973 and before July 1, 1983;
11 \$50,000 if such death occurred on or after July 1, 1983 and
12 before January 1, 1996; \$100,000 if the death occurred on or
13 after January 1, 1996 and before May 18, 2001; \$118,000 if the
14 death occurred on or after May 18, 2001 and before July 1,
15 2002; and \$259,038 if the death occurred on or after July 1,
16 2002 and before January 1, 2003. For an Armed Forces member
17 killed in the line of duty (i) at any time before January 1,
18 2005, the compensation is \$259,038 plus amounts equal to the
19 increases for 2003 and 2004 determined under subsection (c) and
20 (ii) on or after January 1, 2005, the compensation is the
21 amount determined under item (i) plus the applicable increases
22 for 2005 and thereafter determined under subsection (c).

23 (c) Except as provided in subsection (b), for deaths
24 occurring on or after January 1, 2003, the death compensation
25 rate for death in the line of duty occurring in a particular
26 calendar year shall be the death compensation rate for death

1 occurring in the previous calendar year (or in the case of
2 deaths occurring in 2003, the rate in effect on December 31,
3 2002) increased by a percentage thereof equal to the percentage
4 increase, if any, in the index known as the Consumer Price
5 Index for All Urban Consumers: U.S. city average, unadjusted,
6 for all items, as published by the United States Department of
7 Labor, Bureau of Labor Statistics, for the 12 months ending
8 with the month of June of that previous calendar year.

9 (d) If no beneficiary is designated or if no designated
10 beneficiary survives at the death of the law enforcement
11 officer, civil defense worker, civil air patrol member,
12 paramedic, fireman, chaplain, or State employee killed in the
13 line of duty, the compensation shall be paid in accordance with
14 a legally binding will left by the law enforcement officer,
15 civil defense worker, civil air patrol member, paramedic,
16 fireman, chaplain, or State employee. If the law enforcement
17 officer, civil defense worker, civil air patrol member,
18 paramedic, fireman, chaplain, or State employee did not leave a
19 legally binding will, the compensation shall be paid as
20 follows:

21 (1) when there is a surviving spouse, the entire sum
22 shall be paid to the spouse;

23 (2) when there is no surviving spouse, but a surviving
24 descendant of the decedent, the entire sum shall be paid to
25 the decedent's descendants per stirpes;

26 (3) when there is neither a surviving spouse nor a

1 surviving descendant, the entire sum shall be paid to the
2 parents of the decedent in equal parts, allowing to the
3 surviving parent, if one is dead, the entire sum; and

4 (4) when there is no surviving spouse, descendant or
5 parent of the decedent, but there are surviving brothers or
6 sisters, or descendants of a brother or sister, who were
7 receiving their principal support from the decedent at his
8 death, the entire sum shall be paid, in equal parts, to the
9 dependent brothers or sisters or dependent descendant of a
10 brother or sister. Dependency shall be determined by the
11 Court of Claims based upon the investigation and report of
12 the Attorney General.

13 The changes made to this subsection (d) by this amendatory Act
14 of the 94th General Assembly apply to any pending case as long
15 as compensation has not been paid to any party before the
16 effective date of this amendatory Act of the 94th General
17 Assembly.

18 (d-1) For purposes of subsection (d), in the case of a
19 person killed in the line of duty who was born out of wedlock
20 and was not an adoptive child at the time of the person's
21 death, a person shall be deemed to be a parent of the person
22 killed in the line of duty only if that person would be an
23 eligible parent, as defined in Section 2-2 of the Probate Act
24 of 1975, of the person killed in the line of duty. This
25 subsection (d-1) applies to any pending claim if compensation
26 was not paid to the claimant of the pending claim before the

1 effective date of this amendatory Act of the 94th General
2 Assembly.

3 (d-2) If no beneficiary is designated or if no designated
4 beneficiary survives at the death of the Armed Forces member
5 killed in the line of duty, the compensation shall be paid in
6 entirety according to the designation made on the most recent
7 version of the Armed Forces member's Servicemembers' Group Life
8 Insurance Election and Certificate ("SGLI").

9 If no SGLI form exists at the time of the Armed Forces
10 member's death, the compensation shall be paid in accordance
11 with a legally binding will left by the Armed Forces member.

12 If no SGLI form exists for the Armed Forces member and the
13 Armed Forces member did not leave a legally binding will, the
14 compensation shall be paid to the persons and in the priority
15 as set forth in paragraphs (1) through (4) of subsection (d) of
16 this Section.

17 This subsection (d-2) applies to any pending case as long
18 as compensation has not been paid to any party before the
19 effective date of this amendatory Act of the 94th General
20 Assembly.

21 (e) If there is no beneficiary designated or if no
22 designated beneficiary survives at the death of the law
23 enforcement officer, civil defense worker, civil air patrol
24 member, paramedic, fireman, chaplain, State employee, or Armed
25 Forces member killed in the line of duty and there is no other
26 person or entity to whom compensation is payable under this

1 Section, no compensation shall be payable under this Act.

2 (f) No part of such compensation may be paid to any other
3 person for any efforts in securing such compensation.

4 (g) This amendatory Act of the 93rd General Assembly
5 applies to claims made on or after October 18, 2004 with
6 respect to an Armed Forces member killed in the line of duty.

7 (h) In any case for which benefits have not been paid
8 within 6 months of the claim being filed in accordance with
9 this Section, which is pending as of the effective date of this
10 amendatory Act of the 96th General Assembly, and in which there
11 are 2 or more beneficiaries, at least one of whom would receive
12 at least a portion of the total benefit regardless of the
13 manner in which the Court of Claims resolves the claim, the
14 Court shall direct the Comptroller to pay the minimum amount of
15 money which the determinate beneficiary would receive together
16 with all interest payment penalties which have accrued on that
17 portion of the award being paid within 30 days of the effective
18 date of this amendatory Act of the 96th General Assembly. For
19 purposes of this subsection (h), "determinate beneficiary"
20 means the beneficiary who would receive any portion of the
21 total benefit claimed regardless of the manner in which the
22 Court of Claims adjudicates the claim.

23 (i) The Court of Claims shall ensure that all individuals
24 who have filed an application to claim the duty death benefit
25 for a deceased member of the Armed Forces pursuant to this
26 Section, or their designated representative, shall have

1 access, on a timely basis and in an efficient manner, to all
2 information related to the court's consideration, processing,
3 or adjudication of the claim, including, but not limited to,
4 the following:

5 (1) a reliable estimate of when the Court of Claims
6 will adjudicate the claim, or if the Court cannot estimate
7 when it will adjudicate the claim, a full written
8 explanation of the reasons for this inability; and

9 (2) a reliable estimate, based upon consultation with
10 the Comptroller, of when the benefit will be paid to the
11 claimant.

12 (j) The Court of Claims shall send written notice to all
13 claimants within 2 weeks of the initiation of a claim
14 indicating whether or not the application is complete. For
15 purposes of this subsection (j), an application is complete if
16 a claimant has submitted to the Court of Claims all documents
17 and information the Court requires for adjudicating and paying
18 the benefit amount. For purposes of this subsection (j), a
19 claim for the duty death benefit is initiated when a claimant
20 submits any of the application materials required for
21 adjudicating the claim to the Court of Claims. In the event a
22 claimant's application is incomplete, the Court shall include
23 in its written notice a list of the information or documents
24 which the claimant must submit in order for the application to
25 be complete. In no case may the Court of Claims deny a claim
26 and subsequently re-adjudicate the same claim for the purpose

1 of evading or reducing the interest penalty payment amount
2 payable to any claimant.

3 (Source: P.A. 94-843, eff. 6-8-06; 94-844, eff. 6-8-06; 95-928,
4 eff. 8-26-08.)

5 (820 ILCS 315/4) (from Ch. 48, par. 284)

6 Sec. 4. Notwithstanding Section 3, no compensation is
7 payable under this Act unless a claim therefor is filed, within
8 the time specified by that Section with the Court of Claims on
9 an application prescribed and furnished by the Attorney General
10 and setting forth:

11 (a) the name, address and title or designation of the
12 position in which the officer, civil defense worker, civil air
13 patrol member, paramedic, fireman, chaplain, State employee,
14 or Armed Forces member was serving at the time of his death;

15 (b) the names and addresses of person or persons designated
16 by the officer, civil defense worker, civil air patrol member,
17 paramedic, fireman, chaplain, State employee, or Armed Forces
18 member to receive the compensation and, if more than one, the
19 percentage or share to be paid to each such person, or if there
20 has been no such designation, the name and address of the
21 personal representative of the estate of the officer, civil
22 defense worker, civil air patrol member, paramedic, fireman,
23 chaplain, State employee, or Armed Forces member;

24 (c) a full, factual account of the circumstances resulting
25 in or the course of events causing the death of the officer,

1 civil defense worker, civil air patrol member, paramedic,
2 fireman, chaplain, State employee, or Armed Forces member; and

3 (d) such other information as the Court of Claims
4 reasonably requires.

5 When a claim is filed, the Attorney General shall make an
6 investigation for substantiation of matters set forth in such
7 an application.

8 For the 2 years immediately following the effective date of
9 this amendatory act of the 96th General Assembly, the Court of
10 Claims shall direct the Comptroller to pay a
11 "Modified-Eligibility Line of Duty Benefit" to eligible late
12 claimants who file a claim for the benefit. A claim for a
13 Modified-Eligibility Line of Duty Benefit must include all the
14 application materials and documents required for all other
15 claims payable under this Act, except as otherwise provided in
16 this Section 4. For purposes of this Section 4 only, an
17 "eligible late claimant" is a person who would have been
18 eligible, at any time after September 11, 2001, to apply for
19 and receive payment of a claim pursuant to this Act in
20 connection with the death of an Armed Forces member killed in
21 the line of duty, but did not receive the award payment
22 because:

23 (1) the claim was rejected only because the claim was
24 not filed within the time limitation set forth in
25 subsection (a) of Section 3 of this Act; or

26 (2) having met all other preconditions for applying for

1 and receiving the award payment, the claimant did not file
2 a claim because the claim would not have been filed within
3 the time limitation set forth in subsection (a) of Section
4 3 of this Act. For purposes of this Section 4 only, the
5 "Modified-Eligibility Line of Duty Benefit" is an amount of
6 money payable to eligible late claimants equal to the
7 amount set forth in Section 3 of this Act payable to
8 claimants seeking payment of awards under Section 3 of this
9 Act for claims made thereunder in the year in which the
10 claim for the Modified-Eligibility Line of Duty Benefit is
11 made. Within 6 months of receiving a complete claim for the
12 Modified-Eligibility Line of Duty Benefit, the Court of
13 Claims must direct the Comptroller to pay the benefit
14 amount to the eligible late claimant.

15 (Source: P.A. 93-1047, eff. 10-18-04.)